

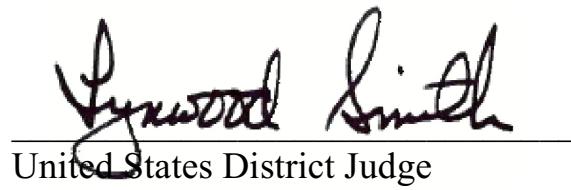
**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

MEMORANDUM OPINION

The magistrate judge filed a report and recommendation on September 27, 2011, recommending that the defendant's special report be treated as a motion for summary judgment and, as such, that it be granted and this action dismissed with prejudice. No objections have been filed by either party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court is of the opinion that the magistrate judge's report is due to be, and it hereby is, ADOPTED, and his recommendation is ACCEPTED. The court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendant is entitled to judgment as a matter of law. Accordingly, defendant's motion for summary judgment is due to be GRANTED and this action is due to be DISMISSED with prejudice. A Final Judgment will be entered.

DONE this 27th day of October, 2011.



United States District Judge